IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHANEY ALULIS,	:	
		CIVIL ACTION
Plaintiff,	:	
		NO.
V.	:	
N3 OCEANIC, INC.,	:	JURY TRIAL DEMANDED
Defendant.	:	

CIVIL ACTION COMPLAINT

Plaintiff, CHANEY ALULIS, by and through her attorney, Edith A. Pearce, Esquire, complaining of the Defendant, N3 Oceanic, Inc., states and alleges the following:

JURISDICTION AND VENUE

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and/or 28 U.S.C. §§1331, 1343(a)(1), (3) and (4), and the Pennsylvania Human Relations Act (PHRA), 43 P.S. §§ 951-963, to correct unlawful employment practices that discriminate on the basis of race and to provide appropriate relief to Chaney Alulis who was adversely affected by such practices.

2. During her employment with Defendant as a Customer Service Representative, Ms. Alulis was subjected to regular and pervasive racial

harassment and discrimination in the job place, including discrimination in being considered for better paying positions, failure to promote, failure to interview and was subjected to regular, insulting and derogatory comments and conduct which created a hostile and offensive work environment for her as a black female. Ms. Alulis alleges that she complained to Defendant about such conduct and harassment, but no remedial action was taken.

3. In addition, Ms. Alulis was discriminated against by Defendant when she was subjected to disparate treatment as compared to similarly-situated employees who were not black. As a result of the discrimination and disparate treatment based on her race and in retaliation for her complaint of racial discrimination and harassment, Ms. Alulis was terminated from her job. The discriminatory actions taken against Ms. Alulis resulted in monetary damage as well as damage to her reputation, severe emotional distress, humiliation, depression and other physical ailments and emotional damages. Defendant's conduct is so egregious, outrageous and intentional, that Plaintiff further seeks punitive damages.

4. Plaintiff duly and timely filed her charge of discrimination with the Equal Employment Opportunity Commission. More than 60 days have passed since Plantiff's filing of her charge with the EEOC. Plaintiff was given a right to sue letter on September 11, 2006.

5. Plaintiff duly and timely filed her charge of discrimination with the

Pennsylvania Human Relations Commission (PHRC). More than one year has passed since the cross-filing of her claim. Plaintiff has complied with all statutory requirements and this matter is ripe for private civil action. Plaintiff was given a right to sue letter on October 23, 2006.

6. Jurisdiction is placed in this court by 28 U.S.C. §§ 1331 and 1343.

7. This court may further exercise supplemental jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. § 1367.

8. Venue is proper pursuant to 42 U.S.C. §2000e-5(f)(3) and 42 U.S.C. § 12007, because all parties reside or do business in this district and all unlawful employment practices complained of occurred in this district.

PARTIES

9. The Plaintiff, Chaney Alulis, is a resident of Montgomery County in the Commonwealth of Pennsylvania, is over sixty years of age and is of African American descent. Her mailing address is 2039 Bethesda Church Road in East Greenville, Pennsylvania 18041.

10. At all times relevant to this Complaint, Plaintiff Chaney Alulis was an employee within the meaning of the relevant statutes and protected against discrimination in employment on the basis of race.

11. Defendant N3 Oceanic, Inc. is located at 1862A Tollgate Road in Palm, Montgomery County, Pennsylvania 18070. Defendant is an employer within the meaning of the various statutes cited herein and has employees totaling over the statutory minimum. As such, Defendant was prohibited from discriminating in employment practices, evaluations and termination decisions on the basis of race.

12. At all times material hereto Defendant conducted business in Montgomery County, employing four or more persons within the Commonwealth of Pennsylvania and falls within the reach of the Pennsylvania Human Relations Act (PHRA), 43 P.S. §955(a).

13. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

FACTS

14. Paragraphs 1 through 13 are incorporated herein by reference as though the same were fully set forth herein at length.

15. Plaintiff was hired on June 13, 2003 to work as a customer sales representative for the Defendant, by the original owner

16. Plaintiff began working on or about September, 2003 and was the only

black person working for the company.

17. Plaintiff had a talent for handling customers and making sales of Defendant's products. Plaintiff worked hard and diligently, becoming one of the top sales people in Defendant's company.

18. Plaintiff's abilities and successes created resentment and hostility among her immediate supervisors and co-workers.

19. Plaintiff was subject to regular and pervasive harassment on the basis of her race by the Defendant, by and through its agents, servants, employees and workmen.

20. Plaintiff's supervisors and co-workers would regularly and pervasively make discriminatory and intentionally harassing remarks, statements and engage in other behaviors based on Plaintiff's race. These remarks included, but were not limited to:

a. being told that "blacks are troublemakers".

b. being called "Aunt Jemima", "blackie" or being referred to as a "dumb black person"

c. being told by a supervisor that "I don't like blacks or jews"

d. hearing the statement from one co-worker to another, "I hope Blackie is fired";

e. being addressed as "you people", referring to Plaintiff's race;

f. having a supervisor tell her "I don't like blacks"

and numerous other comments that were meant to hurt, intimidate and demoralize the Plaintiff.

21. Plaintiff was treated differently than her white co-workers. Plaintiff was not allowed to receive any personal telephone calls or make any personal telephone calls while at work. This restriction was not placed or stated to any other employees that worked in the call center.

22. Plaintiff was told that she could not leave her desk without express permission from the supervisor. No other employee had this restriction. Plaintiff was the only one who had to wait at her desk for express permission in order to take a break or risk being fired.

23. Plaintiff applied for positions within the company that would have offered more money, but was never accepted for the positions.

24. Other co-workers requested from the Defendant additional earning opportunities and received them. Plaintiff was denied any opportunity to work more hours and/or make more money. Plaintiff was told that a black woman could not be making the money she was making without stealing it.

25. At all times material hereto, Plaintiff was capable of performing the duties of the positions she applied to within the Defendant's company.

26. Plaintiff was denied these positions on the basis of her race.

27. Plaintiff's work was regularly criticized and other people's poor work was attributed to her in order to make her look incompetent and not able to do the work. The harassment became so bad that Plaintiff began to secretly mark her work so that it could be recognized as her work so as to defend herself against the baseless, harassing and discriminating complaints.

28. Plaintiff regularly complained of the harassment and the discrimination to Defendant, but nothing was done. The behavior was not corrected nor were her supervisors and/or co-workers asked to discontinue said harassment.

29. After months of complaints, Defendant finally decided to investigate Plaintiff's Complaints of discrimination. The result of that investigation was to inform the Plaintiff that there was no finding of any discrimination or harassment.

30. Shortly thereafter, Defendant finally established policies for the employees in the Company and produced an employee handbook which was distributed in and around March 15, 2005.

31. On or about March 24, 2005, Plaintiff was called in by supervisors to receive yet another unwarranted disciplinary warning and then was terminated four days later.

32. Seven other white employees received the same disciplinary warning and/or had serious problems, however, Plaintiff was the only person terminated on March 28, 2005.

LEGAL ALLEGATIONS

COUNT I

Unlawful Race Discrimination in Violation of Title VII of the Civil Rights Act of 1964 as Amended by the Civil Rights Act of 1991

33. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, inclusive, as though each were set forth at length herein.

34. Defendant is a person and an employer within the meaning of 42 U.S.C. §§ 2000e(a) and (b).

35. Title VII of the Civil Rights Act of 1964 as amended in 1991, and the regulations promulgated thereunder make it an unlawful employment practice for an employer to discriminate against any individual with respect to the terms and conditions or privileges of employment on the basis of race.

36. Defendant intentionally discriminated against Plaintiff by committing a course of conduct including but not limited to the above described.

37. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered financial injury including but not limited to past loss of earnings, future loss of earnings, loss of earning potential and loss of benefits.

38. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered severe emotional and mental injuries, including but not limited to past and present pain and suffering, humiliation, depression, anxiety and embarrassment, which required her to seek medical treatment.

39. As a direct and/or proximate result of the above described discriminatory conduct, Plaintiff suffered physical and emotional injury.

40. As a direct and/or proximate result of Defendant's discriminatory conduct, Plaintiff suffered professional injuries, including but not limited to her professional development, loss of potential promotions and damage to her professional reputation.

COUNT II

Unlawful Intentional Discrimination in Violation of Section 1981a

41. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, inclusive, as though each were set forth at length herein.

42. Defendant has engaged in unlawful intentional discrimination as above described against Plaintiff in violation of the Civil Rights Act of 1964.

43. As a direct and/or proximate result of the above described

discriminatory actions of Defendant, Plaintiff suffered financial injury including but not limited to past loss of earnings, future loss of earnings, loss of earning potential and loss of benefits.

44. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered severe emotional and mental injuries, including but not limited to past and present pain and suffering, humiliation, depression, anxiety and embarrassment, which requird her to seek medical treatment.

45. As a direct and/or proximate result of the above described discriminatory conduct, Plaintiff suffered physical and emotional injury.

46. As a direct and/or proximate result of Defendant's discriminatory conduct, Plaintiff suffered professional injuries, including but not limited to her professional development, loss of potential promotions and damage to her professional reputation.

COUNT III

Violations Under the Civil Rights Acts of 1866, 42 U.S.C. § 1981

47. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, inclusive, as though each were set forth at length herein.

48. Defendant has engaged in unlawful intentional discrimination as

above described against Plaintiff in violation of the Civil Rights Act of 1866, 42 U.S.C.§1981.

49. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered financial injury including but not limited to past loss of earnings, future loss of earnings, loss of earning potential and loss of benefits.

50. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered severe emotional and mental injuries, including but not limited to past and present pain and suffering, humiliation, depression, anxiety and embarrassment, which required her to seek medical treatment.

51. As a direct and/or proximate result of the above described discriminatory conduct, Plaintiff suffered physical and emotional injury.

52. As a direct and/or proximate result of Defendant's discriminatory conduct, Plaintiff suffered professional injuries, including but not limited to her professional development, loss of potential promotions and damage to her professional reputation.

COUNT IV

Violations Under the Pennsylvania Human Relations Act

53. Plaintiff hereby incorporates by reference the preceding paragraphs of this complaint as though each were set forth at length herein.

54. Defendant's course of unlawful conduct as above described discriminated against Plaintiff solely on the basis of her race in violation of the Pennsylvania Human Relations Act (PHRA), 43 P.S. § 955(a).

55. Defendant knew or should have known that its employment practices and/or lack of any policies created, fostered and harbored discriminatory behavior against black employees and failed to stop, continued and/or encouraged its practice thus aiding and abetting the discriminatory practices by its agents, servants, contractors, workmen, supervisors, managers and employees in violation of the PHRA, 43 P.S. § 955(e).

56. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered financial injury including but not limited to past loss of earnings, future loss of earnings, loss of earning potential and loss of benefits.

57. As a direct and/or proximate result of the above described discriminatory actions of Defendant, Plaintiff suffered severe emotional and mental injuries, including but not limited to past and present pain and suffering, humiliation, depression, anxiety and embarrassment, which required her to seek medical treatment.

58. As a direct and/or proximate result of the above described discriminatory conduct, Plaintiff suffered physical and emotional injury.

59. As a direct and/or proximate result of Defendant's discriminatory conduct, Plaintiff suffered professional injuries, including but not limited to her professional development, loss of potential promotions and damage to her professional reputation.

COUNT V

Negligence

60. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, as though each were set forth at length herein.

61. By and through its actions as set forth supra in this Complaint, Defendant acted in a negligent, careless, reckless and unreasonable manner, causing harm to Plaintiff.

62. As a result of the above described negligent, careless, reckless and unreasonable actions of Defendant, Plaintiff was caused to suffer extreme emotional distress, injury to reputation, injury to professional development, emotional well being humiliation and physical and mental pain and suffering and monetary loss including but not limited to back pay, front pay, past lost wages, future lost wages, lost pay increases, lost pay incentives and lost benefits.

63. Plaintiff was caused to seek medical and psychological treatment as a direct result of the above described actions of Defendant.

COUNT VI

Negligent Infliction of Emotional Distress

64. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, as though each were set forth at length herein.

65. By and through its actions as set forth supra. in this Complaint, Defendant acted in a negligent, careless, reckless, and unreasonable manner, causing harm to Plaintiff.

66. Defendant's negligent, careless, reckless and unreasonable actions, including, but not limited to the following: demeaning the Plaintiff, harassing the Plaintiff, isolating Plaintiff and setting different rules for the Plaintiff as opposed to the white employees; failing to promote Plaintiff, attempting to lessen Plaintiff to other employees of Defendant, and other actions and/or inactions.

67. As a direct and/or proximate result of the Defendant's negligent, careless, reckless and unreasonable conduct as aforementioned, Plaintiff was caused to suffer and continue to suffer severe emotional and physical distress, including but not limited to depression, mental anguish, anxiety, loss of sleep, injury to reputation, injury to professional development, emotional well-being, humiliation and physical

and mental pain and suffering.

COUNT VII

Intentional Infliction of Emotional Distress

68. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, as though each were set forth at length herein.

69. Defendant knowingly engaged in a course of action to create stress, anguish and emotional distress in the Plaintiff.

70. By and through its actions as set forth supra in this Complaint, Defendant acted in an intentional, reckless and unreasonable manner, causing harm to Plaintiff.

71. Defendant's intentional, reckless and outrageous actions, included, but are not limited to the following: demeaning Plaintiff in the presence of others, harassing the Plaintiff, isolating Plaintiff and setting different rules for the Plaintiff as opposed to the white employees; failing to promote Plaintiff, attempting to lessen Plaintiff to other employees of Defendant, and other actions and/or inactions.

72. As a direct and/or proximate result of the Defendant's negligent, careless, reckless and unreasonable conduct as aforementioned, Plaintiff was caused to suffer and continue to suffer severe emotional and physical distress, including but not limited to depression, mental anguish, anxiety, loss of sleep, injury to reputation, injury to professional development, emotional well-being, humiliation and physical

and mental pain and suffering.

COUNT VIII

Punitive

73. Plaintiff hereby incorporates by reference the preceding paragraphs of this Complaint, as though each were set forth at length herein.

74. Defendant's conduct in discriminating against Plaintiff as set forth above constitutes egregious, outrageous, willful and wanton conduct with intent to act in disregard of Plaintiff's rights.

75. As a direct result of Defendant's actions as above described, Plaintiff is entitled to punitive damages.

REQUESTED RELIEF

WHEREFORE, Plaintiff, CHANEY ALULIS, respectfully prays that this court award her the following relief:

a. Exercise jurisdiction over this matter;

b. Issue declaratory and injunctive relief finding that the above described Practices are unlawful and enjoining their past and continued effects;

c. Award Plaintiff damages, with statutory interest, that are necessary and proper to compensate her for Defendant's discrimination, including but not limited to: back pay, front pay, past lost wages, future lost wages, lost pay increases, lost pay incentives and lost benefits, injury to reputation, injury to professional development, emotional well-being, humiliation, medical bills and expenses and physical and mental pain and suffering;

d. Award Plaintiff liquidated damages in the amount of double all damages awarded;

e. Award Plaintiff punitive damages;

f. Award Plaintiff her reasonable attorney fees and costs; and

g. Grant such other relief as this Court deems just, proper and equitable;

all of which is in excess of ONE HUNDRED FIFTY ($150,000.00) DOLLARS.

Respectfully submitted,

s/ EAP2098

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EDITH A. PEARCE, ESQUIRE
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DATED: December 8, 2006